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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,107	04/27/2001	Masakazu Hayashi	450100-03202	9971
20999	7590	09/07/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	
DATE MAILED: 09/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p>09/844,107</p>	<p><b>Applicant(s)</b></p> <p>HAYASHI ET AL.</p>	
	<p><b>Examiner</b></p> <p>Truc T Chuong</p>	<p><b>Art Unit</b></p> <p>2179</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/> Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/> Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|--|---|

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### DETAILED ACTION

1. This communication is responsive to Amendment A, filed 05/21/04.
2. Claims 1-21 are pending in this application. In the Amendment A, claims 1, 3, 4-5, and 20-21 are independent claims; claims 1-5 are amended, and claims 6-21 are new claims. This action is made final.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-21 are rejected under 35 U.S.C. 103(a) as being obvious over MacPhail (U.S. Patent No. 6,636,243 B1).

As to claim 1, MacPhail teaches an information processing apparatus comprising:

first display control means for controlling the display one or more icons in a non-sequential manner (col. 6 line 64-col. 7 line 4, figs. 2a-b, and 3a-b); however, MacPhail does not clearly teach that the icons are thumbnails. It is well known and would have been obvious to implement teaching of thumbnails in the MacPhail's system to perform in similar functionality as any icon of MacPhail to improve visibility to ease the user when determining the content of the objects/icons displayed on a GUI. In this case, icons of MacPhail can be used to represent the

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same features as the thumbnails such as different colors, shapes, variables, etc., e.g., col. 6 line 64-col. 7 line 4, figs. 2a-b, and 3a-b. MacPhail inherently provides that icons can be overlapped if there are so many icons displayed on the ring because the system of MacPhail is not limited how many icons allow to be on that ring; and if it is not, it is well known and would have been obvious to modify the icons or thumbnails to be overlapped for saving space or other grouping purposes;

determination means for determining whether or not a predetermined time has passed with respect to a selection of said one or more thumbnails (a predetermined period of time setting by an application developer and/or a user to indicate the change of status, e.g., col. 3 lines 62-66, col. 9 lines 50-54); and

second display control means for controlling, if said predetermined time is found to have passed with respect to said selection of said one or more thumbnails, additional attribute information associated with said one or more thumbnails at a predetermined position corresponding to the display position of said one or more thumbnails (timestamps and other status indicators are displayed to show blinking icons or an alert status of the corresponding variables have changed based on the preset time, e.g., col. 9 line 59-col. 10 line 2, col. 12 lines 58-65, figs. 4a-c, and 5a-b).

As to claim 3, this is a method claim of apparatus claim 1. Note the rejection of claim 1 above.

As to claim 4, this is a system claim of apparatus claim 1. Note the rejection of claim 1 above.

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As to claim 5, this is a computer program product claim of apparatus claim 1. Note the rejection of claim 1 above.

As to claims 6-7, 9-10, 11-12, and 14-15, MacPhail clearly teaches the predetermined shapes are a line and a polygon (figs. 3a-c), and MacPhail does not clearly show the predetermined shape can be a circle or a spiral; however, MacPhail admits that other shapes may also be used in the invention (col. 6 lines 64-67), and it would have been obvious for a person with ordinary skill in the art to modify any display to have different shapes of layouts for icons or thumbnails to fit the screen.

As to claim 16, in light of the rejection set forth in claim 1, wherein said one or more thumbnails/icons represent audio data, video data, audio/video data, text data (an identifying text or graphic could be displayed to represent the selected icon/thumbnail, e.g., col. 8 lines 43-48), Hypertext Markup Language (HTML) data or software specific data.

As to claim 17, MacPhail teaches the selected icon representing a threshold value that is measured in MB (figs. 5a-b) and predicting a size of the data; however, MacPhail does not clearly show that data is an audio data. It is well known and would have been obvious to implement the system of MacPhail to be able to view the audio data as an icon/thumbnail based on the similar technique as clearly explained in claim 1 above.

As to claims 18-19, they are method claims of apparatus claims 16-17. Note the rejections of claims 16-17 above respectively.

As to claim 20, it is similar in scope to claim 1 above except the predetermined shape is selected from the group consisting of a line, a circle, an ellipse, a spiral and polygon (oval, e.g., col. 6 lines 62-67, figs. 2a-b, 3a-c, and 4a-c).

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As to claims 8 and 13, they can be rejected under similar addressed limitation as claim 20 above.

As to claim 21, this is a method claim of apparatus claim 20. Note the rejection of claim 20 above.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacPhail (U.S. Patent No. 6,636,243 B1) in view of Buxton et al. (U.S. Patent No. 6,118,427).

As to claim 2, MacPhail teaches the information processing apparatus according to claim 1, wherein said second display control means controls the display so that said information associated with said one or more thumbnails (Note the rejection of claim 1 above); however, MacPhail does not teach that the thumbnails are displayed in a semitransparent frame or on a semitransparent background. Buxton clearly teaches a GUI utilizes variable-transparency to merge images or layers of objects onto a graphical display for user to “see through” objects or partial objects such as menu, images, screens, etc. (Abstract, col. 3 lines 40-46, figs. 2 and 5). It would have been obvious at the time of the invention a person with ordinary skill in the art would want to add the transparent/semi-transparent feature of Buxton in the status indicator of MacPhail to improve visualization during tailoring and optimizing the graphical interface (col. 3 lines 54-60).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lucas et al. (U.S. Patent No. 5,499,330) teach images, overlaps, GUI, and spiral shape (cols. 3-20, and figs. 1-3, and 5).

Aoki et al. (U.S. Patent No. 6,253,218) teach overlap displays, transparent, predetermined time, and shapes (cols. 8-50, and figs. 2, 3, 68, 70, 76, and 78).

Takiguchi et al. (Pub. No. US 2002/0032696) teach transparent, different shapes of displays, and preset time (pages 9-28, and figs. 3, 6, 7, 17-24).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753, and starting October 2004, a new telephone number will be 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 703-308-5186, and starting October 2004, a new telephone number will be 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

09/01/04

BA HUYNH  
PRIMARY EXAMINER